

# Notice of Allowability

Application No.

10/526,437

Examiner

Patricia L. Hailey

Applicant(s)

REISACHER ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Information Disclosure Statement filed on March 3, 2005.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 03 March 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date June 26, 2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Applicants' Preliminary Amendment, filed on March 3, 2005, has been made of record and entered. Claims 1-10 have been amended to conform to proper U.S. patent format, and to eliminate multiple claim dependency. No new matter has been added.

Claims 1-10 remain pending in this application.

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Document was filed on March 3, 2005.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harris Pitlick on June 26, 2006.

*The application has been amended as follows:*

- a. *Please rewrite claim 8 as follows:*

Art Unit: 1755

8. (Currently Amended) A process for pigmenting macromolecular organic and inorganic materials using color-mixing systems, comprising ~~utilizing~~ incorporating into said materials the solid pigment preparation as claimed in claim 1 as a mixing components.

Claim 8 has been amended (subsequent to Applicants' aforementioned Preliminary Amendment) to include therein an active process step.

### ***Allowable Subject Matter***

3. Claims 1-10 are allowed.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed solid pigment preparations comprising from 60 to 90% by weight of at least one pigment, and from 10 to 40% by weight of at least one surface-active additive, selected from the group of reaction products of alkylene oxides with a bisphenol having the formula recited in the instant claims, in which the rings may each be substituted by one or two substituents selected from the group consisting of: C<sub>1</sub>-C<sub>8</sub> alkyl, phenyl, and phenyl-C<sub>1</sub>-C<sub>8</sub> alkyl, and R<sup>1</sup> and R<sup>2</sup> are each methyl.

While solid pigment preparations comprising certain surface-active additives are known in the art, the novelty of the claimed invention is the alkylene oxide/bisphenol reaction product.

Opitz et al. (U.S.P 4,420,310) disclose water-soluble oxalkylated novolaks as preparation agents for disperse dyestuffs. While the novolaks are structurally similar to the bisphenol structures recited in the instant claims, the substituents of the novolaks are outside the scope of the claimed surface-active additives.

Ide (USP 5,795,376) disclose pigment preparations comprising rosin derivatives such as a rosin-modified phenol, which is prepared by the condensation of a rosin, an alkylphenol (e.g., bisphenol A), and aldehyde, a polyhydric alcohol, and optionally a polyhydric carboxylic acid (col. 4, lines 50-62).

Kurtz et al. (5,082, 498) discloses pigment preparations comprising at least one surfactant that is the reaction product of ethylene oxide, and optionally propylene oxide with ethylenediamine.

Ishida et al. (5,782,965) disclose an ink containing a disperse dye and a dispersing agent structurally similar to the surface-active additive recited in the instant claims; however, while the reference discloses percentage ranges for the dispersing agent comparable to that respectively recited in the instant claims, the amount of ink disclosed in the reference is outside the claimed range for the pigment component. See col. 4, lines 4-9, col. 5, lines 31-51 (wherein it is disclosed that the preferred amount of the dispersing agent ranges from 50% to 500% of the amount of the disperse dye), and Tables 1 and 2 of Ishida et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 1755

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

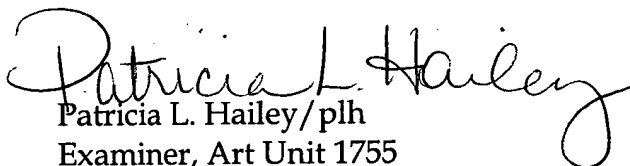
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
June 26, 2006

  
**KARL GROUP**  
**PRIMARY EXAMINER**  
**GROUP 1755**